

DOCKET FILE COPY ORIGINAL

**UNITED STATES  
FEDERAL COMMUNICATIONS COMMISSION**

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In the Matter of: )  
C.F. COMMUNICATIONS CORP., )  
Complainants, )  
v. )  
CENTURY TELEPHONE OF )  
WISCONSIN, INC., et al. )  
Defendants. )

01-99/

FCC-0ALJ RCD  
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Pages: 1 through 109  
Place: Washington, D.C.  
Date: May 24, 2001

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**HERITAGE REPORTING CORPORATION**

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**ORIGINAL**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of:	)
	)
C.F. COMMUNICATIONS CORP.,	)
	)
Complainant,	)
	)
v.	)
	)
CENTURY TELEPHONE OF	)
WISCONSIN, INC., et al.	)
	)
Defendants.	)

Commission Meeting Room  
FCC Headquarters  
455 12th Street, S.W.  
Washington, D.C. 20554

Thursday,  
May 24, 2001

The parties met, pursuant to the notice of  
the Commission, at 9:04 a.m.

BEFORE: The Honorable Judge Steinberg  
Administrative Law Judge

APPEARANCES:

On behalf of Complainants:

Alcazar Ltd., Ascom Communications, Inc.,  
B.D.A. Sales, Inc., Crescent Communications,  
Just Telephone, Inc., Millicom Services Co.,  
New York Pay Phone Systems, Inc., and  
Telebeam Telephone

ALBERT H. KRAMER, Esquire  
JOEL B. KLEINMAN, Esquire  
CHARLES V. MEHLER, III, Esquire  
ROBERT FELGAR, Esquire  
Dickson, Shapiro, Morin & Oshinsky LLP  
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On behalf of Complainants: (Cont'd.)

Best Payphones, Inc., Kayson Communication

MICHAEL J. THOMPSON, Esquire  
Wright & Talisman, P.C.  
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Washington, D.C. 20005  
(202) 393-1200

On Behalf of Defendants:

Bell Telephone Co. of Pennsylvania,  
C&P Telephone Co. of Maryland,  
C&P Telephone Co. of Virginia,  
GTE Florida, Inc.,  
GTE North, Inc.,  
GTE South, Inc.,  
New England Telephone and Telegraph Co.,  
New Jersey Bell Telephone Co., and  
New York Telephone Co.

JOHN M. GOODMAN, Esquire  
1300 I Street, N.W., Suite 400 West  
Washington, D.C. 20005  
(202) 575-2563

SHERRY A. INGRAM, Esquire  
1320 N. Courthouse Road, 8th Floor  
Arlington, Virginia 22201  
(703) 974-4414

Carolina Telephone Co.,  
Century Telephone of Wisconsin, Inc.,  
North West Telephone Co.,  
Turtle Lake Telephone Co.,  
United Telephone Co. of Florida., and  
United Telephone Co. of Pennsylvania.

ROBERT M. JACKSON, Esquire  
DOUGLAS W. EVERETTE, Esquire  
Blooston, Mordkofsky, Dickens,  
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On Behalf of Defendant: (Cont'd.)

RIKKE DAVIS, Esquire  
 SPRINT  
 Law and External Affairs  
 401 9th Street, N.W., Suite 400  
 Washington, D.C. 20004  
 (202) 585-1919

Michigan Bell Telephone Co.,  
 Southwestern Bell Telephone Co., and  
 Wisconsin Bell, Inc.

JEFFRY BRUEGGEMAN, Esquire  
 WILLIAM A. BROWN, Esquire  
 MICHAEL D. ALERCON, Esquire  
 CAREY CALDWELL  
 SBC Telecommunications, Inc.  
 1401 I Street, N.W., 11th Floor  
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On Behalf of Defendant Southwestern Bell Telephone and Telegraph:

THEODORE R. KINGSLEY, Esquire  
 BellSouth  
 Legal Department  
 675 West Peachtree Street, Suite 4300  
 Atlanta, Georgia 30375  
 (404) 335-0720

On Behalf of Chief Enforcement Bureau, FCC:

TEJAL MEHTA, Esquire  
 TRENT HARKRADER, Esquire  
 Federal Communications Commission  
 Enforcement Bureau  
 445 12th Street, S.W., Room 3-B443  
 Washington, D.C. 20554  
 (202) 418-2955

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P R O C E E D I N G S

(9:04 a.m.)

JUDGE STEINBERG: Okay. We're on the record now. This is a prehearing conference in EB Docket No. 01-99,/a proceeding which was designated for hearing in order to determine damages, if any, to which each of the Complainants is entitled. The hearing designation order which was referenced as DA 01-1044 was issued by the Chief of the Enforcement Bureau and was released on April 24, 2001.

A summary of the HDO was published in the Federal Register on May 1, 2001 and the cite to that is 66 Fed. Reg. 21,755. By order of FCC 01M-10 released April 30, 2001 the Acting Chief Administrative Law Judge assigned the case to me and set today as the date for the first prehearing conference.

I'm going to formally take the appearances for each of the parties which might take a while because there are a lot of parties. When you -- when I mention a party's name I want you to indicate -- a lot of names have changed and could you please, when I mention the party's name, tell me if it's still the current name and if it's not what the current name is? This is going to seem awful basic, but whether you're -- I can probably guess at this -- whether you're a Complainant or a Defendant because I formally don't know. Okay. First is Alcazar, Limited?

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1 MR. MEHLER: Yes. It is now Alcazar Homes,  
2 Limited.

3 JUDGE STEINBERG: A-l-c-a-z-a-r Homes? H-o-m-e-s?

4 MR. MEHLER: Yes.

5 JUDGE STEINBERG: And then you have to formally --  
6 you have to say your name.

7 MR. MEHLER: Oh, Chuck Mehler, Dickstein, Shapiro,  
8 Morin & Oshinsky on behalf of various Complainants.

9 JUDGE STEINBERG: Okay. And are Mr. Kramer and  
10 Mr. Felgar on there, too?

11 MR. MEHLER: Yes.

12 JUDGE STEINBERG: Okay. So say all the names.  
13 And you are a Complainant?

14 MR. MEHLER: Yes.

15 JUDGE STEINBERG: Okay. Now American Pay Phone,  
16 Incorporated?

17 (No response.)

18 Let the record reflect no response.

19 Ascom Communications, Incorporated?

20 MR. MEHLER: Yes. That is now Ascom Holding, Inc.

21 JUDGE STEINBERG: And you have to say your name  
22 again.

23 MR. MEHLER: Chuck Mehler, Dickstein, Shapiro,  
24 along with Al Kramer and Robert Felgar.

25 JUDGE STEINBERG: And you're a Complainant?

1 MR. MEHLER: A Complainant.

2 JUDGE STEINBERG: B.D.A. Sales, Inc.? This is  
3 going to get boring.

4 MR. MEHLER: That's the correct name.

5 JUDGE STEINBERG: And the same appearance as for  
6 Ascom?

7 MR. MEHLER: Yes. Chuck Mehler, Dickstein,  
8 Shapiro.

9 JUDGE STEINBERG: Okay.

10 MR. MEHLER: Complainants.

11 JUDGE STEINBERG: Now we have a change. Bell  
12 Telephone Company of Pennsylvania?

13 MR. GOODMAN: Is now Verizon Pennsylvania.

14 JUDGE STEINBERG: Okay.

15 MR. GOODMAN: John Goodman and Sherry Ingram.

16 JUDGE STEINBERG: And you're a Defendant?

17 MR. GOODMAN: Yes.

18 JUDGE STEINBERG: Best Pay Phones, Incorporated?

19 MR. THOMPSON: Yes. That name is still the same,  
20 Your Honor. I'm Michael Thompson for Best Pay Phones. They  
21 are a Complainant.

22 JUDGE STEINBERG: C&P Telephone Company of  
23 Maryland?

24 MR. GOODMAN: That is now Verizon Maryland,  
25 Defendant. John Goodman and Sherry Ingram.

1 JUDGE STEINBERG: C&P Telephone Company of  
2 Virginia?

3 MR. GOODMAN: Verizon Virginia, Defendant. John  
4 Goodman and Sherry Ingram.

5 JUDGE STEINBERG: C.F. Communications Corporation?  
6 (No response.)

7 Let the record reflect no response.  
8 Carolina Telephone Company?

9 MR. JACKSON: Robert Jackson, Blooston,  
10 Wordkofsky. That is a SPRINT operating entity.

11 JUDGE STEINBERG: Okay. So now --

12 MR. JACKSON: But the name is the same.

13 JUDGE STEINBERG: But the name is the same but  
14 it's under SPRINT?

15 MR. JACKSON: It's a SPRINT subsidiary.

16 JUDGE STEINBERG: Okay. And you're a Defendant?

17 MR. JACKSON: We're a Defendant, yes.

18 JUDGE STEINBERG: You should probably -- I mean I  
19 have no notice of appearance. It says, "Carolina Telephone  
20 Company."

21 MR. JACKSON: It was filed by Ms. Rikki Davis  
22 behind the name SPRINT.

23 JUDGE STEINBERG: I don't have that. I don't have  
24 anything from SPRINT.

25



1 MS. DAVIS: You don't?

2 JUDGE STEINBERG: No.

3 JUDGE STEINBERG: No. Does anybody have anything  
4 from SPRINT?

5 (Pause.)

6 Okay. Do you have a copy of it with the  
7 secretary's stamp on it?

8 A PARTICIPANT: Yes, I believe I have that.

9 JUDGE STEINBERG: Okay. Just send it to me. Send  
10 it to me and if anybody else needs it -- we couldn't find a  
11 return receipt, I don't think. No, we couldn't find a  
12 return receipt from SPRINT and we couldn't find a notice of  
13 appearance from SPRINT. I kind of thought I should have.

14 MS. DAVIS: Yes, you should have. I'm sorry.

15 JUDGE STEINBERG: Okay. But that's -- just find  
16 it and then mail me a copy.

17 MS. DAVIS: Okay.

18 MR. KRAMER: You know, it could be that your old  
19 Washington office address is still -- a lot of people are  
20 still sending things down the street.

21 MS. DAVIS: Oh, okay. Thank you.

22 JUDGE STEINBERG: Okay.

23 MS. DAVIS: If you want I can make a copy.

24 JUDGE STEINBERG: You have to -- just get it to me  
25 some way. Maybe Ms. Beech can take it. She's in my left-

1 hand corner and run a copy maybe later.

2 The next one is Century Telephone of Wisconsin,  
3 Inc.?

4 MR. JACKSON: Robert Jackson, Blooston,  
5 Wordkofsky. That name has been changed to CenturyTel which  
6 is one word with a capital "T" in the middle, CenturyTel of  
7 Wisconsin.

8 JUDGE STEINBERG: And that's a Defendant?

9 MR. JACKSON: That's a Defendant.

10 JUDGE STEINBERG: Crescent Communications?

11 MR. MEHLER: That name is still the same. Chuck  
12 Mehler, Al Kramer and Robert Felgar, Complainants.

13 JUDGE STEINBERG: GTE Florida, Inc.?

14 MR. GOODMAN: Is now Verizon Florida, Defendant.  
15 John Goodman and Sherry Ingram.

16 JUDGE STEINBERG: GTE North?

17 MR. GOODMAN: Verizon North, Defendant. John  
18 Goodman and Sherry Ingram.

19 JUDGE STEINBERG: GTE South?

20 MR. GOODMAN: Verizon South, Defendant. John  
21 Goodman and Sherry Ingram.

22 JUDGE STEINBERG: No East and West, huh?

23 (Laughter.)

24 MR. GOODMAN: No.

25 A PARTICIPANT: Pretty soon.

1 THE REPORTER: If you're speaking into the  
2 microphone you have to share microphones. So could you just  
3 get a little closer so that I can pick it up on the tape.

4 JUDGE STEINBERG: Either that or speak louder.

5 THE REPORTER: Yes.

6 JUDGE STEINBERG: And if you have any trouble just  
7 don't hesitate to chime in because this might be important.

8 THE REPORTER: Okay.

9 JUDGE STEINBERG: Just Telephone, Inc.?

10 MR. MEHLER: That is Just-Tel, Inc., Al Kramer,  
11 Chuck Mehler, Robert Felgar, Complainants.

12 JUDGE STEINBERG: That's J-U-S-T-E-L, all caps?

13 MR. MEHLER: J-u-s-t -- T-e-l.

14 JUDGE STEINBERG: J-u-s-t -- T-e-l. Okay. And  
15 you're a Complainant?

16 MR. MEHLER: A Complainant.

17 JUDGE STEINBERG: Kayson Communications?

18 MR. THOMPSON: Yes, Your Honor. The name is the  
19 same, it's a Complainant. Michael Thompson.

20 JUDGE STEINBERG: Michigan Bell Telephone Company?

21 MR. BRUGGEMAN: They're still in existence, now  
22 owned by SBC.

23 JUDGE STEINBERG: Okay. Are they still the same  
24 name or are they SBC?

25 MR. BRUGGEMAN: It's still Michigan Bell, yes, and

1 we are a Defendant. Jeff Bruggeman and Bill Brown is here,  
2 as well.

3 JUDGE STEINBERG: But it's an SBC like a  
4 subsidiary or something?

5 MR. BRUGGEMAN: SBC is the holding company now.

6 JUDGE STEINBERG: Oh. Okay.

7 MR. BRUGGEMAN: Yeah.

8 JUDGE STEINBERG: And did I ask if that was  
9 Plaintiff or a Defendant?

10 MR. BRUGGEMAN: Defendant. I did state that.

11 JUDGE STEINBERG: I didn't catch that.  
12 Millicom Services Company?

13 MR. MEHLER: That is now New York  
14 Telecommunications, Inc. Chuck Mehler, Al Kramer, Robert  
15 Felgar, Complainants.

16 JUDGE STEINBERG: Okay. It's not New York City  
17 Telecommunications? Just plain New York?

18 MR. MEHLER: New York Telecommunications.

19 JUDGE STEINBERG: Mosinee Telephone Company?  
20 (No response.)

21 Let the record reflect no response.

22 New England Telephone and Telegraph Company?

23 MR. GOODMAN: Now known as Verizon New England,  
24 Defendant. John Goodman and Sherry Ingram.

25 JUDGE STEINBERG: New Jersey Bell Telephone

1 Company?

2 MR. GOODMAN: Verizon New Jersey, Defendant. John  
3 Goodman and Sherry Ingram.

4 JUDGE STEINBERG: NYPAY Communications Company?

5 (No response.)

6 Let the record reflect no response.

7 New York Payphones Systems, Inc.?

8 MR. MEHLER: That is now New York Pay Phones, Inc.  
9 with Pay Phones two separate words. Al Kramer, Chuck  
10 Mehler, Robert Felgar, Complainant.

11 JUDGE STEINBERG: New York Telephone Company?

12 MR. GOODMAN: Verizon New York, Defendant. John  
13 Goodman and Sherry Ingram.

14 JUDGE STEINBERG: North West Telephone Company?

15 (No response.)

16 Okay. Let the record -- isn't that one of the  
17 Century Tel?

18 MR. GOODMAN: No, it is not.

19 JUDGE STEINBERG: But Mr. Dickens and Ms. Seesak  
20 -- well, they sort of -- yeah, I think they entered an  
21 appearance.

22 MR. GOODMAN: Yes, they did.

23 JUDGE STEINBERG: Okay.

24 MR. GOODMAN: I believe they did.

25 JUDGE STEINBERG: But you're not here today

1 representing them?

2 MR. GOODMAN: No. I am. I'm representing them,  
3 as well.

4 JUDGE STEINBERG: Okay.

5 MR. GOODMAN: All of the ones who are here, but  
6 there's no name change on that one.

7 JUDGE STEINBERG: Okay. Well, we're going to get  
8 rid of you anyway, so --

9 MR. GOODMAN: I figured.

10 JUDGE STEINBERG: Okay. And that would be a  
11 Defendant, is that correct?

12 MR. GOODMAN: That's correct.

13 JUDGE STEINBERG: Southern Bell Telephone and  
14 Telegraph?

15 MR. KINGSLEY: That's now BellSouth  
16 telecommunications, Inc., Defendant. Ted Kingsley. Angela  
17 Brown is the primary counsel and she's not here.

18 JUDGE STEINBERG: Okay.

19 Southwestern Bell Telephone Company?

20 MR. BRUGGEMAN: That is still in existence,  
21 Defendant. Jeff Bruggeman and Bill Brown.

22 JUDGE STEINBERG: So that name is still good?

23 MR. BRUGGEMAN: Yes.

24 JUDGE STEINBERG: And SBC is the holding company  
25 in that, too?

1 MR. BRUGGEMAN: Exactly.

2 MR. SMITH: Okay.

3 JUDGE STEINBERG: Telebeam Telephone?

4 MR. MEHLER: That is now Telebeam  
5 Telecommunications Corporation, Chuck Mehler, Al Kramer and  
6 Robert Felgar, Complainant.

7 JUDGE STEINBERG: Now Turtle Lake Telephone  
8 Company? Are you here for them, too?

9 MR. MEHLER: No, Your Honor.

10 JUDGE STEINBERG: Okay. That was -- I think  
11 Turtle Lake was included in this Century Tel notice of  
12 appearance, too.

13 MR. MEHLER: Really?

14 JUDGE STEINBERG: It's --

15 MR. MEHLER: If they are then I'm here for them,  
16 as well. I didn't recall any Century Tel.

17 JUDGE STEINBERG: I mean it's mentioned in there.

18 MR. MEHLER: Oh, I see. Yes, Turtle Lake, it is.  
19 Yes, that's correct. They're all Century Tel subsidiaries.

20 JUDGE STEINBERG: Okay. So you'll be here for  
21 them, too?

22 MR. MEHLER: I'll be here for them, as well.

23 JUDGE STEINBERG: And a Defendant?

24 MR. MEHLER: And a Defendant.

25 JUDGE STEINBERG: United Telephone Company of

1 Florida?

2 MR. JACKSON: That is a SPRINT operating entity.  
3 Ms. Davis of SPRINT and I are here for them, as well.

4 JUDGE STEINBERG: Okay. And the notice of  
5 appearance includes --

6 MR. JACKSON: Yes.

7 JUDGE STEINBERG: United Telephone Company of  
8 Pennsylvania?

9 MR. JACKSON: Same thing, Your Honor.

10 JUDGE STEINBERG: And you're both -- Defendants in  
11 both, right?

12 MR. JACKSON: Correct.

13 JUDGE STEINBERG: Utelco, Inc.?

14 (No response.)

15 Let the record reflect no response.

16 Wisconsin Bell, Inc.?

17 MR. BRUGGEMAN: Yes. That is now also owned by  
18 SPC, Defendant. Jeff Bruggeman and Bill Brown.

19 JUDGE STEINBERG: And last but not least, the  
20 Chief Enforcement Bureau FCC?

21 MS. MEHTA: This is Tejal Mehta.

22 JUDGE STEINBERG: Okay. The answer to that  
23 question that I had about SPRINT has now been answered.  
24 Do you all have the handout that indexed the file numbers?

25 ALL: No, no.



1 JUDGE STEINBERG: Oh, it didn't -- I guess it  
2 didn't get past Mr. Bruggeman.

3 MR. BRUGGEMAN: Sorry.

4 (Pause.)

5 MS. MEHTA: Judge Steinberg?

6 JUDGE STEINBERG: Yes?

7 MS. MEHTA: I'd like to supplement some others --  
8 for the ones that you're --

9 MR. HARKRADER: Harkrader.

10 JUDGE STEINBERG: And then Jim Shook's on it, too?

11 A PARTICIPANT: Yes.

12 JUDGE STEINBERG: But he's attending his  
13 daughter's graduation?

14 A PARTICIPANT: Right.

15 MR. KRAMER: Your Honor?

16 JUDGE STEINBERG: Yes, sir?

17 MR. KRAMER: I'm sorry. Are we ready to discuss  
18 this index?

19 JUDGE STEINBERG: In a minute.

20 MR. KRAMER: Okay.

21 JUDGE STEINBERG: Does everybody have it?

22 (No response.)

23 I prepared this based upon certain information.

24 Well, you see the last insert at the top, that's the source  
25 of the information and you see it says, "Settled/Mr. Phillips."

1           I spoke to Mr. Phillips yesterday because the  
2 Century Tel notice of appearance basically said that all of  
3 the C.F. Communications cases were settled and so I wanted  
4 to talk to him and see what I could find out from him. You  
5 know, so the stuff in the brackets is the source of that  
6 material.

7           I spoke to Charlie Naftalen yesterday about the  
8 TDS thing. I thought it might be helpful to all of us if we  
9 knew what cases we were talking about and so I prepared this  
10 and what I'd like each party to do, at least each party  
11 that's going to remain in this proceeding, which is probably  
12 the people in the room here, to go over this list and for  
13 their own clients and their own cases make sure the file  
14 numbers are accurate.

15           I'd like to know two things -- three things, the  
16 file number, I want to know the original Complainant and the  
17 original Defendant and what their names are today. You can  
18 do that by letter.

19           Does anybody have any problem getting the letter  
20 to me by next Friday, June 1st, or putting it in the mail by  
21 then or before? You don't have to wait until June 1st. Of  
22 course, since this is a proceeding governed by the ex parte  
23 rules you've got to serve all of the other parties with your  
24 letter.

25           I don't see that it makes much sense to put this

1 stuff in a pleading when it's something that can easily be  
2 done with a three-sentence letter. That way everybody will  
3 know what E92GS35 is, what it was and what it is today and  
4 who were the people involved and everybody can make up their  
5 own master list if they want to.

6 MR. KRAMER: Your Honor, since we are proceeding  
7 by letter do you want us also to file with the secretary's  
8 office in accordance with the usual procedures?

9 JUDGE STEINBERG: The letter?

10 MR. KRAMER: Yes.

11 JUDGE STEINBERG: If you want to. It's not  
12 necessary. I mean I'm trying to eliminate as much paperwork  
13 as I can and if you just stick a letter in the mail to  
14 everybody -- if this becomes important it might be -- you  
15 might make it a hearing exhibit or if there's some -- if  
16 there's some dispute or disagreement about numbers or about  
17 names and you can't resolve it -- I can't imagine you  
18 wouldn't be able to resolve it among yourselves, you know,  
19 then we might do something differently. Does anybody have  
20 any problem with that?

21 (No response.)

22 Okay. I hear nothing so I assume no problem. The  
23 next thing I want to talk about is the C.F. settlements. As  
24 I said earlier, I talked with Mr. Phillips yesterday who is  
25 C.F.'s counsel and he confirmed the information that I had

1     that all the cases in which C.F. was involved had settled.  
2     I just want to go -- the first group was Century Tel, North  
3     West and Turtle Lake.

4             MR. JACKSON:  Yes, Your Honor.  That was settled  
5     and on or around March 20th of this year Mr. Phillips on  
6     behalf of C.F. filed a request -- his complaint.

7             JUDGE STEINBERG:  Okay.  Well, I don't -- on March  
8     -- okay, that was before the course was designated for  
9     hearing?

10            MR. JACKSON:  That's prior to designation.

11            JUDGE STEINBERG:  Okay.  So that doesn't have  
12     anything to do with me.

13            MR. JACKSON:  No, no.

14            JUDGE STEINBERG:  Yeah.

15            MR. JACKSON:  But we will move to dismiss the  
16     case.

17            JUDGE STEINBERG:  Okay.  You don't -- you don't  
18     have to move -- okay.  Yeah, you do that with the market  
19     disputes resolution because that was all before.

20            MR. JACKSON:  Okay.

21            JUDGE STEINBERG:  Unless you want to move -- you  
22     want to move -- do you have any problem if they make a  
23     motion --

24            MS. INGRAM:  No, I do not.

25            JUDGE STEINBERG:  Do you want to make a motion

1 right now?

2 MR. JACKSON: I move to dismiss based on the  
3 settlement.

4 JUDGE STEINBERG: Okay. Dismiss why?

5 MR. JACKSON: Dismissed with prejudice.

6 JUDGE STEINBERG: No. Which numbers?

7 MR. JACKSON: The numbers --

8 JUDGE STEINBERG: I can give them to you. Do you  
9 want me to give them to you?

10 MR. JACKSON: The numbers are -- no, I have them,  
11 E-89-170, E-89-180 and E-89-181.

12 JUDGE STEINBERG: Okay. That's three of them.

13 MR. JACKSON: That's three.

14 JUDGE STEINBERG: Now -- okay, 70 -- how about 72?

15 MR. JACKSON: That one I do not have anything  
16 showing that he formally dismissed the --

17 MR. BRUGGEMAN: Your Honor, I think that is  
18 Wisconsin Bell, actually, in looking at --

19 JUDGE STEINBERG: 72 is Wisconsin Bell?

20 MR. BRUGGEMAN: I believe so.

21 (Pause.)

22 JUDGE STEINBERG: Okay. So it's not Century Tel  
23 of Wisconsin? I'll tell you what I'm going to do, let's  
24 forget about all this because he hasn't filed a notice of  
25 appearance and he's not here and you don't care. He's

1 dismissed as a party from the proceeding.

2 MR. JACKSON: That's correct.

3 JUDGE STEINBERG: So I'll do that. I'll dismiss  
4 him from -- I'll terminate his party status and then we  
5 don't have to worry about him. Then whatever he -- you know  
6 --

7 MR. KRAMER: Excuse me, Your Honor.

8 JUDGE STEINBERG: -- because he told me it's  
9 settled so he's not going to care.

10 MR. KRAMER: You say his status --

11 JUDGE STEINBERG: C.F.'s?

12 MR. KRAMER: Okay.

13 JUDGE STEINBERG: Yeah, C.F.'s.

14 MR. KRAMER: And in all the numbers shown here are  
15 --

16 JUDGE STEINBERG: No. I'll get to the numbers  
17 later.

18 MR. KRAMER: Thank you.

19 JUDGE STEINBERG: But I just wanted to go through  
20 and confirm with counsel for the Defendants -- Defendants  
21 that the information I have is accurate because I don't want  
22 to -- well, since he's not here, you know. Okay. The  
23 numbers that I have for -- okay, Mr. Bruggeman said 72 is  
24 wrong?

25 MR. BRUGGEMAN: Right. I believe that's -- yeah,

1 Wisconsin Bell.

2 (Pause.)

3 JUDGE STEINBERG: And that's one of your  
4 companies?

5 MR. BRUGGEMAN: Yes.

6 JUDGE STEINBERG: Okay. Now while we're with Mr.  
7 Bruggeman did he settle with Michigan Bell, too?

8 MR. BRUGGEMAN: Yes.

9 JUDGE STEINBERG: And with Wisconsin Bell?

10 MR. BRUGGEMAN: Yeah.

11 JUDGE STEINBERG: So you don't -- and that's E89-  
12 172 and E92-97?

13 MR. BRUGGEMAN: Right.

14 JUDGE STEINBERG: And so you don't care if I  
15 terminate it? You wouldn't have any objection --

16 MR. BRUGGEMAN: No, I would not.

17 JUDGE STEINBERG: -- to be terminating his party  
18 status and the party status of Michigan -- Wisconsin Bell?

19 MR. BRUGGEMAN: Right.

20 JUDGE STEINBERG: Okay. Now we turn to GTE North.  
21 Did C.F. settle with you?

22 MR. GOODMAN: I would certainly not argue with Mr.  
23 Phillips if he feels that he's been satisfied.

24 JUDGE STEINBERG: Okay.

25 (Laughter.)

1           Okay. So you don't have any objection to me  
2 terminating his party status with respect to the GTE North  
3 complaint?

4           MR. GOODMAN: No objection, Your Honor.

5           JUDGE STEINBERG: And how about terminating the  
6 party status of GTE North?

7           MR. GOODMAN: No objection to that, either.

8           JUDGE STEINBERG: And the number I have for that  
9 is 89-171. Okay. So then I'll do that. I'm going to  
10 release an order or issue an order after the conference  
11 summarizing some of the rulings and this will be in there.

12           So, essentially, what I'm going to do is terminate  
13 -- I'm going to terminate the C.F.'s party status and the  
14 party status of all of the Defendants and delete all of the  
15 C.F. file numbers from the caption. I think -- but we'll  
16 leave the -- we'll leave the left part of the caption alone  
17 because that's what the case is -- this case has been going  
18 for quite a while and I wouldn't want to change that.

19           We'll just -- hopefully, we'll just keep  
20 eliminating file numbers.

21           (Laughter.)

22           (Pause.)

23           I forgot about TDS and Mosinee. Mr. Phillips and  
24 Mr. Naftalen told me that all the TDS litigation was settled  
25 and he told -- and Mr. Phillips told me that the Mosinee



1 complaint has been settled, too. Is there any objection to  
2 my terminating the status -- the party status of Mosinee?

3 (No response.)

4 Okay. No response. I assume there's no  
5 objection.

6 The following parties didn't file any notices of  
7 appearance: American Pay Phone, Incorporated. We know about  
8 C.F.. We know about Mosinee -- Mosinee. NYPAY  
9 Communications Company, which -- or whatever they are now --  
10 and Utelco, Inc. Has anybody received any notice of  
11 appearance from any of these people?

12 (No response.)

13 Okay. The record reflects no response which means  
14 to me nobody received one. Does anybody object to the  
15 dismissal of these parties' party status?

16 MR. KRAMER: Your Honor, we need to check on NYPAY  
17 if NYPAY is, in fact, ETS now that does raise an issue  
18 because we are representing ETS in the informals, which I  
19 understand are not at issue here but --

20 JUDGE STEINBERG: Yeah.

21 MR. KRAMER: -- if ETS is a client and has now  
22 acquired NYPAY we'd like to check on that before you do  
23 that. I was not aware and am not aware that NYPAY has been  
24 acquired by ETS. ETS is a different company from NYPAY or  
25 at least was, let me put it that way. So I would like an

1 opportunity to check on that before you dismiss them as a  
2 party.

3 JUDGE STEINBERG: Okay. You can put that in your  
4 letter.

5 MR. KRAMER: We'll put that in our letter next  
6 week.

7 JUDGE STEINBERG: And if -- you know, one way or  
8 the other, and if you do represent them file a notice of  
9 appearance and since it's late filed you have to file a  
10 motion to accept it as being late filed showing good  
11 cause --

12 MR. KRAMER: Thank you.

13 JUDGE STEINBERG: -- therefore. So --

14 MR. KRAMER: Thank you, Your Honor.

15 JUDGE STEINBERG: -- so I'll terminate the party  
16 status of American Pay Phone, Inc. and Utelco and we've  
17 already discussed Mosinee and C.F., basically, for failing  
18 to file a notice of appearance.

19 Okay. Apart from Mr. Thompson's two discovery  
20 pleadings which we'll talk about later, is there any pending  
21 pleading that I don't know about? I don't have any. Did  
22 anybody file anything I don't know about other than you  
23 filed your letter --

24 MR. KRAMER: We've got a matter which I believe we  
25 served. I believe we served on everybody here although you